

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIMBERLY ANN JOHNSON,
Plaintiff,

v.

ALBERTSONS, LLC,
Defendant.

Case No. 2:18-cv-01678-RAJ

**[PROPOSED] AMENDED ORDER
GRANTING PLAINTIFF'S PETITION
FOR ATTORNEY FEES AND COSTS**

NOTING DATE: MAY 29, 2020

THIS MATTER having come before the undersigned Judge of the above-entitled Court on Plaintiff Kimberly Ann Johnson's Petition for Attorney Fees and Costs, the Court having reviewed the records and files herein, including the following:

1. Plaintiff's Petition for Attorney Fees and Costs;
2. Declaration of Jeffrey L. Needle, and attached Exhibits A-C;
3. Declaration of Susan B. Mindenbergs, and attached Exhibits A-B;
4. Declaration of Victoria Vreeland, and attached Exhibits A-E;
5. Declaration of Christine A. Thomas;
6. Defendant's Response to Plaintiff's Petition for Attorney Fees and Costs;
7. Declaration of Sean D. Jackson in Support of Defendant's Opposition to Plaintiff's Petition for Attorney Fees and Costs, with attached exhibits;

8. Declaration of David C. Burkett in Support of Defendant's Opposition to Plaintiff's Petition for Attorney Fees and Costs; and

9. Plaintiff's Reply;

10. Reply Declaration of Susan Mindenbergs, and attached Exhibits 1-3;

11. Reply Declaration of Jeffrey Needle, and attached Exhibit 1;

And being fully advised, the Court finds as follows:

1. Plaintiff's fee request is reasonable under the standard set forth in *Kerr v. Screen Extra Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975) and *Blair v. Washington State University*, 108 Wn.2d 558, 571, 740 P.2d 1379 (1987);

2. Plaintiff is entitled to a multiplier under the standard set forth in *Berryman v. Metcalf*, 177 Wn. App. 644, 666, 312 P.3d 745 (2013);

THEREFORE, The Court hereby ORDERS, as follows:

Plaintiff's request for fees is granted as follows:

a. Jeffrey L. Needle, hourly rate \$575;

b. Susan B. Mindenbergs, hourly rate \$500;

c. Christine A. Thomas, hourly rate \$175;

d. DeShawn Collins, hourly rate \$175;

e. Lonnie Lopez, hourly rate \$175;

f. Plaintiff is granted Jeffrey L. Needle's lodestar for 538.13 hours for a total of \$309,424.75;

g. Plaintiff is granted a multiplier of ____% for 473.96 hours accrued by Jeffrey L. Needle until March 7, 2020 for a total of \$_____.

h. Plaintiff is granted Susan B. Mindenbergs' lodestar request for 1,240.35 hours for a total of \$620,175.00;

i. Plaintiff is granted a multiplier of ____% for 1,143.15 hours accrued by Susan B. Mindenbergs until March 7, 2020 for a total of \$_____;

j. Plaintiff is granted fees for the following paralegal work:

1) DeShawn Collins – 82.40 x \$175 for a total of \$14,420;

2) Christine A. Thomas – 533.86 x \$175 for a total of 93,425.50;

3) Lonnie Lopez – 181.60 x \$175 for a total of \$31,780.00.

k. Plaintiff is granted the costs incurred in this litigation the amount of \$40,726.88.

ENTERED this ____ day of May 2020.

HONORABLE RICHARD A. JONES
United States District Court Judge

Presented by:

By: /s/ Susan B. Mindenbergs

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify and declare that on May 29, 2020, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which automatically generated an electronic notification of such filing to all parties in the case who are registered users of the CM/ECF system. I hereby certify that the foregoing document was sent to the following participants:

D. Michael Reilly, WSBA No. 14674
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Attorneys for Defendant

☐ Legal Messenger
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☐ Electronic Mail
☐ U.S. First Class Mail
☐ eFiling/eService
☒ CM/ECF

The foregoing statement is made under the penalty of perjury under the laws of the United States of America and the State of Washington and is true and correct.

DATED this 29th day of May 2020.

By: /s/ Christine A. Thomas
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